

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

COPY

| | | |
|---------------------------------|---|----------------------|
| IN RE: |) | |
| |) | |
| |) | CASE NUMBER: 96-011 |
| DOROTHY L. CAPEL (B00389) |) | |
| Broker |) | STATEMENT OF CHARGES |
| |) | |
| Dot Real Estate |) | |
| 711 E. Broadway |) | |
| Council Bluffs, Iowa 51503-4606 |) | |
| |) | |

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

DOROTHY L. CAPEL was at all material times during the following events, a licensed real estate broker in Council Bluffs, Iowa. DOROTHY L. CAPEL is currently licensed as an officer and designated broker of Dot Real Estate, Inc. a licensed real estate firm, license number F01609. Her license number is B00389.

COUNT I

The Respondent is charged with failure to verify continuing education for a 1994 real estate broker renewal, in violation of Iowa Code sections 543B.29(1) and (3) (1995), and Iowa Administrative Code Chapter 193E, sections 3.3(5), 3.3(5)(c), and 3.3(5)(d).

CIRCUMSTANCES OF THE COMPLAINT

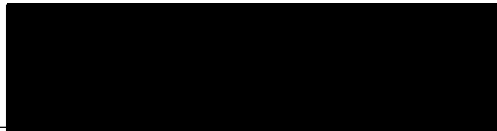
1. On November 21, 1994, the Real Estate Commission received the application for renewal of the Respondent's broker license number B00389, signed by Respondent as applicant and as principal broker for the firm.
2. Respondent filed a "Iowa Real Estate Commission Continuing Education Report Form" with the renewal application, that listed the course title, course number, credit hours, name of school, and the date of completion, and affirmed that she had met the education requirement and the information provided was true and correct.
3. Respondent indicated on the "Iowa Real Estate Commission Continuing Education Report Form" that she had attended the twelve hour course entitled "Brokerage Law" course number 021-807-54, and the twelve hour course entitled "Brokerage Law" course number 021-807B-54, through the Iowa Association of Realtors on May 14, 1992 and June 4, 1992.
4. On December 7, 1995, Respondent was sent notification of the Commission's audit of continuing education and the Respondent sent her attendance certificates to the Commission and it was discovered that the Respondent had claimed the same twelve hour course twice. The "B" designation in the course number on the duplicate certificate of attendance is for use as broker prelicence education.
5. On December 14, 1995, Respondent was notified of the problem with claiming the same course twice. This left Respondent nine hours short of the required education to renew.
6. Respondent subsequently completed the additional continuing education required to make up the nine hour deficiency that occurred on the 1994 renewal, to remain active.
7. Verification for all other continuing education was provided. Even though Respondent did not appear to intentionally violate the law, the filing of a false affirmation on continuing education records is prima facie evidence of a violation of Iowa Code sections 543B.29(1),(3), pursuant to 193E IAC 3.3(5)(d).

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FINDING OF PROBABLE CAUSE

On April 18, 1995, the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Dated this 12th day of JUNE, 1996.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

96-011

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| IN RE: |) | |
| |) | |
| DOROTHY L. CAPEL (B00389) |) | CASE NUMBER: 96-011 |
| Broker |) | |
| |) | STIPULATION AND |
| |) | CONSENT ORDER |
| Dot Real Estate |) | |
| 711 Broadway |) | |
| Council Bluffs, Iowa 51503-4606 |) | |
| |) | |

On this 12th day of JUNE, 1996, the Iowa Real Estate Commission and DOROTHY L. CAPEL, each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing as the parties have agreed to the following Stipulation and Consent Order;
2. The Respondent was issued a broker license to practice real estate on October 12, 1961, as evidenced by license number B00389, which is in full force and effect through December 31, 1997.
3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
4. A Statement of Charges will be filed against Respondent together with this Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
6. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.

7. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

8. Failure to comply with the terms of this Stipulation and Consent Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (1995).

9. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

10. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE IT IS HEREBY ORDERED that the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$100.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this ____ day of June 6, 1996.

[Redacted Signature]

DOROTHY L. CAPEL

State of Iowa)

County of Pottawattamie

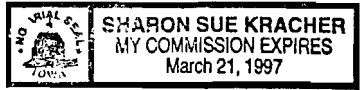
Signed and sworn to before me on this 4th day of June, 1996, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: Sharon Sue Kracher

My Commission Expires: March 21, 1997



FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 12th day of JUNE, 1996.

[Redacted Signature]

Evelyn Rank, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General